

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

MONDAY, THE 22ND OCTOBER 2007 / 30TH ASWINA 1929

AS.No. 199 of 1995()

AGAINST THE ORDER DATED 20/07/1994 IN IA.646/87 IN
OS.107/1983 of SUB COURT, KASARAGOD
.....

APPELLANT/PETITIONER/PLAINTIFF:

LAXMI DEVI, AGED ABOUT 50 YEARS, WIFE OF NARAYANA BHAT, HINDU,
RESIDING AT KALLAKKATTA OF UBRANGALA VILLAGE, KASARAGOD TALUK.

BY ADV. SRI.K.G.GOURI SANKAR RAI

RESPONDENTS/RESPONDENTS/RESPONDENTS:

1. SARASWATHI AMMA,
2. CHANDRAMOHAN
3. BHAGIRATHI ALIAS VIMALA
4. RADHA DEVI

(IST RESPONDENT IS WIDOW AND RESPONDENTS 2 TO 4 ARE CHILDREN OF
RAMA BHATTA. ALL ARE RESIDING AT PANJIRKE IN UBRANGALA VILLAGE,
KASARAGOD TALUK.)

R2 BY ADV. SRI.M.C.SEN,SHAHANA KARTHIKEYAN

THIS APPEAL SUITS HAVING BEEN FINALLY HEARD
ON 22/10/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

K. PADMANABHAN NAIR ,J.

A.S.No.199 of 1995

Dated, this the 22nd day of October, 2007

JUDGMENT

Heard. Admitted. Adv. Shri M.C.Sen takes notice for second respondent.
Notice to other respondents dispensed with. Appeal itself is heard and disposed of.

2. This appeal is filed against a final decree and judgment in O.S.No.107/1983 on the file of the Subordinate Judge's Court, Kasaragod. The second defendant had filed A.S.No.787/1994 before this Court challenging the very same decree. This Court after elaborately considering the pleadings and evidence adduced and also considering the report of the Commissioner dismissed the appeal. Trial court had considered the objections raised by various parties and once it remitted the report to the Commissioner. Thereafter the trial court again considered the report and plan and passed the final decree I have carefully gone through the final decree passed in this case. I do not find any reason to interfere with the final decree. There is no merit in the appeal. It is only to be dismissed.

In the result, appeal is dismissed.

**K. PADMANABHAN NAIR,
JUDGE.**

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K.PADMANABHAN NAIR, J.

A.S.No.199 of 1995

JUDGMENT

22nd October, 2007.